**FILED**JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

OCT 27 2006

AUG - 2 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIAFILED  
CLERK'S OFFICE

DOCKET NOS. 1596 AND 1769

C 06-1454 MJJ

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**MDL-1596 -- IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION****MDL-1769 -- IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION****(SEE ATTACHED SCHEDULE)****MDL-1596 CONDITIONAL TRANSFER ORDER (CTO-61)****WITH SEPARATION, REMAND AND****MDL-1769 CONDITIONAL TRANSFER ORDER (CTO-3)**

On April 14, 2004, the Panel transferred six civil actions to the United States District Court for the Eastern District of New York for coordinated or consolidated pretrial proceedings in MDL-1596 pursuant to 28 U.S.C. § 1407. *See* 314 F.Supp.2d 1380 (J.P.M.L. 2004). Since that time, 1,147 additional actions have been transferred to the Eastern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Jack B. Weinstein.

On July 6, 2006, the Panel transferred 92 civil actions to the United States District Court for the Middle District of Florida for coordinated or consolidated pretrial proceedings in MDL-1769 pursuant to 28 U.S.C. § 1407. *See* \_\_\_\_ F.Supp.2d \_\_\_\_ (J.P.M.L. 2006). Since that time, 15 additional actions have been transferred to the Middle District of Florida. With the consent of that court, all such actions have been assigned to the Honorable Anne C. Conway.

It appears that the actions on this conditional transfer order involve questions of fact that are common to: 1) the actions in MDL-1596 previously transferred to the Eastern District of New York and assigned to Judge Weinstein; and 2) the actions in MDL-1769 previously transferred to the Middle District of Florida and assigned to Judge Conway. Each of these actions comprises two sets of claims, as follows: 1) claims relating to the prescription drug Zyprexa, which involve common questions of fact with the previously transferred MDL-1596 actions; and 2) claims relating to the prescription drug Seroquel, which involve common questions of fact with the previously transferred MDL-1769 actions.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of New York for the reasons stated in the MDL-1596 transfer order of April 14, 2004, and with the consent of that court, assigned to the Honorable Jack B. Weinstein.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

**AUG 21 2006**CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONI certify the foregoing to be a true  
and correct copy of the original.SHERYLL LOESCH, Clerk  
United States District Court  
Middle District of FloridaBy: *[Signature]*  
Deputy Clerk**FILED**August 25, 2006 11:32AM  
CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

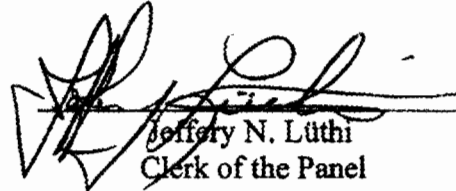
-2-

The claims in each action relating to Seroquel are hereby separated and remanded, under 28 U.S.C. § 1407(a), to their respective transferor courts.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), the resulting Seroquel actions are transferred under 28 U.S.C. § 1407 to the Middle District of Florida for the reasons stated in the MDL-1769 transfer order of July 6, 2006, and, with the consent of that court, assigned to the Honorable Anne C. Conway.

This order does not become effective until it is filed in the offices of i) the Clerk of the United States District Court for the Eastern District of New York, and ii) the Clerk of the United States District Court for the Middle District of Florida. The transmittal of this order to said Clerks shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffrey N. Lüthi  
Clerk of the Panel



**SCHEDULE CTO-61 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

**SCHEDULE CTO-3 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1769**  
**IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION**

<u>DIST. DIV. C.A.#</u>	<u>CASE CAPTION</u>	
<b>CALIFORNIA NORTHERN</b>		
CAN 3 06-662	Wendell Collum v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 3 06-676	Scott Polia v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1283	Daniel Cannon v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1289	Katherine Morris v. AstraZeneca Pharmaceuticals, LP, et al.	Vacated 8/16/06
CAN 3 06-1290	Herbert Price v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 3 06-1305	Jennifer R. Ruscsak v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1311	Margaret A. Shearman v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1314	Charles A. McCool v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 3 06-1315	Frank R. Niemann v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1322	Elaine Cotton v. AstraZeneca Pharmaceuticals, LP, et al.	Vacated 8/11/06
CAN 3 06-1323	Rita A. Kurilla v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1326	Rose M. Ashburn v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 3 06-1394	Jennifer J. Naramore v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1403	Lisa A. Birkner v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1449	Jimmy Marsiglia, et al. v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1454	Hellen J. Thomas v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1483	Dianne M. Theodorou v. AstraZeneca Pharmaceuticals, LP, et al.	See Separate Order dated 8/21/06
CAN 3 06-1485	Bridgette R. Jones v. AstraZeneca Pharmaceuticals, LP, et al.	See Separate Order dated 8/21/06
CAN 3 06-1492	Donnell L. Lawshea v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1500	Jacqueline E. Gorman v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1529	Vicky Reynolds, et al. v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1531	Jim Coppola v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1555	Lurae Eades v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1564	Nadine L. Copeland v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1763	Thomas S. Fromosky, Jr. v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1817	John C. Thigpen v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 3 06-1855	Oggie Y. Williams v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 3 06-1857	Denise L. Outlaw v. AstraZeneca Pharmaceuticals, LP, et al.	See Separate Order dated 8/21/06
CAN 3 06-1932	Markus L. Tucker v. AstraZeneca Pharmaceuticals, LP, et al.	Vacated 8/8/06
CAN 3 06-2282	Dimitrios Oliver v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 3 06-2284	Anna Fall v. AstraZeneca Pharmaceuticals, LP, et al.	Vacated 8/8/06
CAN 4 06-1285	Clayton L. Plummer v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 4 06-1316	Shirley Keith v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 4 06-1318	Joseph Hernandez v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 4 06-1335	Sheryl A. Franklin v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 4 06-1341	Dorothy L. Cameron, et al. v. AstraZeneca Pharmaceuticals, LP, et al.	Opposed 8/21/06
CAN 4 06-1436	Denise Sims v. AstraZeneca Pharmaceuticals, LP, et al.	
CAN 4 06-1557	Tony L. Compalco v. AstraZeneca Pharmaceuticals, LP, et al.	Vacated 8/15/06
<b>MISSOURI EASTERN</b>		
MOE 4 06-506	Evelyn Hair v. Eli Lilly & Co., Inc., et al.	
MOE 4 06-907	Michael Middleton v. Eli Lilly & Co., et al.	
<b>MISSOURI WESTERN</b>		
MOW 2 06-4072	Donald Vaughan v. Eli Lilly & Co., et al.	
<b>TEXAS EASTERN</b>		
TXE 5 06-43	Larry Lambright, etc. v. Eli Lilly & Co., et al.	
TXE 5 06-104	Carol Harris, etc. v. Eli Lilly & Co., et al.	See Separate Order dated 8/21/06

**INVOLVED COUNSEL LIST (CTO-61)**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

**INVOLVED COUNSEL LIST (CTO-3)**  
**DOCKET NO. 1769**  
**IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION**

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**INVOLVED JUDGES LIST (CTO-61)**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

**INVOLVED JUDGES LIST (CTO-3)**  
**DOCKET NO. 1769**  
**IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION**

Hon. Sandra Brown Armstrong  
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390-C Ronald V. Dellums  
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1301 Clay Street  
Oakland, CA 94612-5217

Hon. Wayne D. Brazil  
U.S. Magistrate Judge  
Ronald V. Dellums Federal Building  
3rd Floor  
1301 Clay Street  
Oakland, CA 94612-5217

Hon. Edward M. Chen  
U.S. Magistrate Judge  
Phillip Burton U.S. Courthouse  
450 Golden Gate Avenue  
Box 36060  
San Francisco, CA 94102

Hon. David Folsom  
U.S. District Judge  
309 U.S. Courthouse & Post Office  
500 N. State Line Avenue  
Texarkana, TX 71854-5957

Hon. Phyllis J. Hamilton  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
450 Golden Gate Avenue  
17th Floor  
San Francisco, CA 94102-3434

Hon. Susan Yvonne Illston  
U.S. District Judge  
19-5424 Phillip Burton U.S. Courthouse  
450 Golden Gate Avenue  
San Francisco, CA 94102-3434

Hon. Maria Elena James  
U.S. Magistrate Judge  
15-5698 Phillip Burton  
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Hon. Martin J. Jenkins  
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San Francisco, CA 94102-3434

Hon. James L. Larson  
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Hon. Thomas C. Mummert, III  
U.S. Magistrate Judge  
United States District Court  
Thomas F. Eagleton  
United States Courthouse  
111 South Tenth Street  
St. Louis, MO 63102-9958

Hon. Marilyn Hall Patel  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3661

Hon. Charles Shaw  
U.S. District Judge  
Thomas F. Eagleton U.S. Courthouse  
111 South Tenth Street, 12<sup>th</sup> Floor  
St. Louis, MO 63102-9958

Hon. T. John Ward  
U.S. District Judge  
United States District Court  
100 E. Houston Street  
Marshall, TX 75670

Hon. Jeffrey S. White  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
450 Golden Gate Avenue  
Box 36060  
San Francisco, CA 94102-3489

Hon. Claudia Wilken  
U.S. District Judge  
Ronald V. Dellums Federal Building  
Suite 400 South  
1301 Clay Street  
Oakland, CA 94612-5217

**INVOLVED CLERKS LIST (CTO-61)**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

**INVOLVED CLERKS LIST (CTO-3)**  
**DOCKET NO. 1769**  
**IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION**

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Patricia L. Brune, Clerk  
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131 West High Street  
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JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG 21 2006

FILED  
CLERK'S OFFICE

**DOCKET NOS. 1596 AND 1769**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**MDL-1596 – IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION  
MDL-1769 – IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION**

*Dianne M. Theodorou v. AstraZeneca Pharmaceuticals, LP, et al.*, N.D. California,  
C.A. No. 3:06-1483

*Denise L. Outlaw v. AstraZeneca Pharmaceuticals, LP, et al.*, N.D. California,  
C.A. No. 3:06-1857

**ORDER VACATING CTO-3 IN MDL-1769 AND  
LIFTING STAY OF CTO-61 IN MDL-1596**

On August 2, 2006, the Panel filed an order conditionally i) transferring these two actions (*Theodorou* and *Outlaw*) to the Eastern District of New York in MDL-1596, ii) separating the Seroquel claims and remanding them to the Northern District of California, and iii) transferring the resulting Seroquel actions to the Middle District of Florida in MDL-1769. In the absence of any opposition, this order is now ripe for finalization. The Panel, however, has been advised that the Seroquel claims in *Theodorou* and *Outlaw* were dismissed in the Northern District of California by the Honorable Jeffery S. White in separate orders filed on July 18, and July 19, 2006, respectively. Accordingly, *Theodorou* and *Outlaw* in their present posture are appropriate for transfer in their entirety to the Eastern District of New York for inclusion in MDL-1596.


IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-3" in MDL-1769 (with prior separation and remand of Seroquel claims), filed on August 2, 2006, is VACATED insofar as it relates to these actions.

IT IS FURTHER ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-61" in MDL-1596 is LIFTED insofar as it relates to these actions, and thus the actions are transferred in their entirety to the Eastern District of New York for inclusion in

- 2 -

the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Jack B. Weinstein.

FOR THE PANEL:



Jeffrey N. Luthi  
Clerk of the Panel



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

George C. Young U.S. Courthouse  
and Federal Building  
Office of the Clerk  
80 North Hughey Avenue  
Orlando, Florida 32801  
407/835-4200

Sheryl L. Loesch  
Clerk

Laura Barsamian  
Orlando Division

August 31, 2006

Mr. Richard W. Weiking, Clerk  
United States District Court  
Phillip Burton United States Courthouse  
450 Golden Gate Ave, 16th Floor  
San Francisco, CA 94102-3434

RE: MDL-1769 – In Re: Seroquel Products Liability Litigation

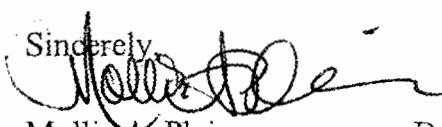
Dear Mr. Weiking:

Enclosed is one certified copy of an order filed by the Panel under 28 U.S.C. § 1407. Section 1407 requires that the transferee clerk “transmit a certified copy of the Panel’s order to transfer to the clerk of the district court from which the action is being transferred.” A copy of Rule 1.6, R.P.J.P.M.L., 120 F.R.D. 251, which deals specifically with the transfer of files, is enclosed for your convenience.

Please send your original case files (see attached) and certified copies of the docket sheets to this address: **U.S. District Court, Office of the Clerk, 80 N. Hughey Ave., Suite 300, Orlando, FL, 32801.** Due to the large volume of cases on this Conditional Transfer Order, it would be very much appreciated if you could be sure to reference the Middle District of Florida’s case number on each of your cases.

If you have any questions, please contact me at 407-835-4203.

Sincerely,

  
Mollie A. Pleicones,

Deputy Clerk

Enclosures

c: Michael J. Beck, Clerk, MDL Panel

**SCHEDULE A - CASE LIST FROM ORIGINAL MDL TRANSFER ORDER (7/6/06)**

\*\*\*\*\*FIRST LETTER OF REQUEST DATED 7-19-06 / SECOND LETTER OF REQUEST DATED 9-8-06\*\*\*\*\*

CASE STYLE	ND CA(SF) CASE NUMBER	MD FL CASE NUMBER
Baytos v. AstraZeneca, et al.	3:06-cv-556	6:06-cv-964-Orl-22DAB
Bobal v. AstraZeneca, et al.	3:06-cv-547	6:06-cv-969-Orl-22DAB
Hess v. AstraZeneca, et al.	3:06-cv-572	6:06-cv-989-Orl-22DAB

**SCHEDULE C - CASE LIST FROM MDL CONDITIONAL TRANSFER ORDER -2 (8/14/06)**  
(\*Amended Per Panel's Order Lifting Stay filed 9/5/06)

\*\*\*\*\*FIRST LETTER OF REQUEST DATED 9-7-06\*\*\*\*\*

CASE STYLE	NDCA CASE NUMBER	MD FL CASE NUMBER
*Roberts v. AstraZeneca, et al.	3:06-cv-667	6:06-cv-1332-Orl-22DAB
*Maxwell v. AstraZeneca, et al.	3:06-cv-1935	6:06-cv-1333-Orl-22DAB

**SCHEDULE D - CASE LIST FROM MDL CONDITIONAL TRANSFER ORDER -3 (8/25/06)**

\*\*\*\*\*FIRST LETTER OF REQUEST DATED 8-31-06\*\*\*\*\*

CASE STYLE	NDCA CASE NUMBER	MD FL CASE NUMBER
Polis v. AstraZeneca, et al.	3:06-cv-676 MJJ	6:06-cv-1286-Orl-22DAB
Cannon v. AstraZeneca, et al.	3:06-cv-1283 MJJ	6:06-cv-1287-Orl-22DAB
Shearman v. AstraZeneca, et al.	3:06-cv-1311 PJH	6:06-cv-1289-Orl-22DAB
Niemann v. AstraZeneca, et al.	3:06-cv-1315 PJH	6:06-cv-1290-Orl-22DAB
Naramore v. AstraZeneca, et al.	3:06-cv-1394 PJH	6:06-cv-1292-Orl-22DAB
Birkner v. AstraZeneca, et al.	3:06-cv-1403 PJH	6:06-cv-1293-Orl-22DAB
Marsiglia, et al. v. AstraZeneca, et al.	3:06-cv-1449 MJJ	6:06-cv-1294-Orl-22DAB
Thomas v. AstraZeneca, et al.	3:06-cv-1454 MJJ	6:06-cv-1295-Orl-22DAB
Gaiman v. AstraZeneca, et al.	3:06-cv-1500 PJH	6:06-cv-1297-Orl-22DAB
Coppola v. AstraZeneca, et al.	3:06-cv-1531 PJH	6:06-cv-1299-Orl-22DAB
Copeland v. AstraZeneca, et al.	3:06-cv-1564 MJJ	6:06-cv-1301-Orl-22DAB
Promosky v. AstraZeneca, et al.	3:06-cv-1763 MJJ	6:06-cv-1302-Orl-22DAB

**SCHEDULE E - CASE LIST FROM MDL CONDITIONAL TRANSFER ORDER - 4 (9/1/06)**

\*\*\*\*\*FIRST LETTER OF REQUEST DATED 9-7-06\*\*\*\*\*

CASE STYLE	NDCA CASE NUMBER	MD FL CASE NUMBER
Burger v. AstraZeneca, et al.	3:06-cv-1766	6:06-cv-1315-Orl-22DAB